

PACKET “K”

Order of Protection Packet

“WORKSHEET”

- _____ Form 157. Request to Transfer Order of Protection
- _____ Form 158. Order Continuing Temporary Order of Protection and Setting of Hearing
- _____ Form 159. Request to Transfer Order of Protection to District Court (Justice Court)
- _____ Form 160. Order (Justice Court)
- _____ Form 161. Request to Transfer Order of Protection to District Court (Municipal Court)
- _____ Form 162. Order (Municipal Court)

DISCLAIMER

Documents are not legal advice. These documents are adaptations of the documents distributed by the Montana Supreme Court Commission on Self-Represented Litigants and have been approved by the Judges of the 4th Judicial District. These documents do not constitute legal advice, and no information contained in these documents can be relied upon to replace the advice of competent legal counsel licensed to practice in Montana

INSTRUCTIONS & CHECKLIST

PACKET “K” – TRANSFER OF ORDER OF PROTECTION FROM JUSTICE OR MUNICIPAL COURT TO DISTRICT COURT

I. STARTING THE TRANSFER PROCESS:

On the top half of the first page of every court document there is a “**heading**” which identifies the party completing the form and a “**caption**” which sets out the case description. Fill out the heading and caption on every form. Because you filed for an Order of Protection in either Justice Court or Municipal Court, YOU ARE THE **PETITIONER** in that case. If YOU filed for dissolution or parenting plan in District Court, YOU ARE THE **PETITIONER** in the District Court proceeding. If YOUR SPOUSE filed for dissolution or parenting plan in District Court, then you ARE THE **RESPONDENT** in the District Court proceeding.

STEP 1. -- Filling Out The Forms

- Form #157 This is a District Court document and the caption should contain the District Court case information. Fill in every section. Do not sign this form.
- Form #158 This is a District Court document and the caption should contain the District Court case information. Choose the court that originally issued the Order of Protection. Leave the remainder of the form blank for District Court Judge to complete.
- Form #159 This is a Justice Court document. This document should only be used if the original Order of Protection was issued by the Justice Court. The caption should contain the Justice Court case information. Complete all sections. Sign and date this form on page 2.
- Form #160 This is a Justice Court document. This document should only be used if the original Order of Protection was issued by the Justice Court. The caption should contain the Justice Court case information. Complete all sections. You do not sign this form.
- Form #161 This is a Municipal Court document. This document should only be used if the original Order of Protection was issued by the Municipal Court. The caption should contain the Municipal Court case information. Complete all sections. Sign and date this form on page 2.
- Form #162 This is a Municipal Court document. This document should only be used if the original Order of Protection was issued by the Municipal Court. The caption should contain the Municipal Court case information. Complete all sections. You do not sign this form.

STEP 2. -- Making Copies

- Make 3 copies of Form #157, 158
- Make 2 copies of Form #159, 160 (*if applicable*)
- Make 2 copies of Form #161, 162 (*if applicable*)

STEP 3. -- Filing Your Case With Clerk of Court.

- Bring the originals of Form #157 and 158, along with three copies of each form to the Clerk of District Court’s Office for filing. The Clerk will file stamp all your documents (copies and originals). The Clerk will keep the originals and give you the copies. One copy of each document is to be retained by you. One copy is for service upon the other party. One copy will be filed with either the Justice Court or Municipal Court, depending on which court issued the original Order of Protection.
- If Order of Protection was originally issued by Justice Court:* Bring the originals of Form #159 and 160, along with two copies of each form to the Clerk of Justice Court’s Office for filing. The Clerk will file stamp all your documents (copies and originals). The Clerk will keep the originals and give you the copies. One copy is to be retained by you. One copy is for service upon the other party.
- If Order of Protection was originally issued by Municipal Court:* Bring the originals of Form #161 and 162, along with two copies of each form to the Clerk of Municipal Court’s Office for filing. The Clerk will file stamp all your documents (copies and originals). The Clerk will keep the originals and give you the copies. One copy is to be retained by you. One copy is for service upon the other party.

II. SERVICE OF TRANSFER DOCUMENTS:

STEP 4. -- Serving the Other Party.

You now need to serve the copies of documents you have prepared on the other party. Mail the documents to the other party.

(Revision Date: 10/09)

Name

Address

City State Zip Code

Phone Number

Email Address

PETITIONER PRO SE

RESPONDENT PRO SE

**MONTANA FOURTH JUDICIAL DISTRICT COURT
MISSOULA COUNTY**

<p>_____, Petitioner, and _____, Respondent.</p>	<p>Cause No. _____</p> <p>REQUEST TO TRANSFER ORDER OF PROTECTION AND ORDER</p>
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The District Court hereby requests that the Justice Court Municipal Court transfer the Temporary Order of Protection Permanent Order of Protection (Justice Court or Municipal Court File No. _____) to the above cause.

IT IS HEREBY ORDERED that the Temporary Restraining Order shall remain in effect until a hearing on the issue set for the Law and Motion day of _____ at _____ am/pm;

OR

IT IS HEREBY ORDERED that the Temporary Restraining Order shall be transferred to District Court and placed in the above file. Upon its receipt, said Order shall be made permanent.

DATED this ____ day of _____, 20____.

District Court Judge

cc: Petitioner
Respondent
 Municipal Court or Justice Court

Name

Address

City State Zip Code

Phone Number

Email Address

[] PETITIONER PRO SE

[] RESPONDENT PRO SE

**MONTANA FOURTH JUDICIAL DISTRICT COURT
MISSOULA COUNTY**

<p>_____, Petitioner, and _____, Respondent.</p>	<p>Cause No. _____</p> <p>ORDER CONTINUING TEMPORARY ORDER OF PROTECTION AND SETTING OF HEARING</p>
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The Temporary Restraining Order issued in (*choose one*) [] Justice Court or [] Municipal Court has been transferred to District Court. IT IS HEREBY ORDERED that the Temporary Restraining Order shall remain in effect until a hearing on the issue set for the Law and Motion day of _____ at _____ am/pm.

DATED this _____ day of _____, 20____.

District Court Judge

Name
Address
City State Zip Code
Phone Number
Email Address
PETITIONER PRO SE

IN THE JUSTICE COURT, COUNTY OF MISSOULA,
STATE OF MONTANA

<p>_____, Petitioner, and _____, Respondent.</p>	<p>Cause No. _____</p> <p>REQUEST TO TRANSFER ORDER OF PROTECTION TO DISTRICT COURT</p>
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Petitioner, _____, appearing pro se, respectfully requests that the Justice Court transfer this matter to the Montana Fourth Judicial District Court, and vacate the hearing which is presently set for _____, 20____ and that the Temporary Order of Protection presently in effect remain in effect until the District Court holds a hearing.

After this action was started, Respondent filed a Petition in a dissolution/parenting matter with the Fourth Judicial District Court in Cause No. _____, and both parties to this action are parties in that matter. Therefore, Petitioner’s request for an Order from Justice Court transferring the matter to District Court, and continuing the Order of Protection until the court conducts a hearing is in accordance with M.C.A. § 40-15-301(3) (2003). Upon transfer to the District Court, that Court would then have jurisdiction over this

cause of action, including the Order of Protection.

DATED this _____ day of _____, 20__.

Petitioner *Pro Se*

CERTIFICATE OF MAILING

The undersigned hereby certifies that on _____, 20__, a copy of the foregoing Request to Transfer Order of Protection to District Court was sent to Respondent, postage pre-paid in the U.S. mail, addressed to Respondent as follows:

By: _____

Judge _____
Justice of the Peace
Justice Court of Missoula County
State of Montana

FORM #160

**IN THE JUSTICE COURT OF MISSOULA COUNTY,
STATE OF MONTANA**

<p>_____, Petitioner, vs _____, Respondent.</p>	<p>Cause No. _____</p> <p>ORDER</p>
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Having reviewed Petitioner's request to transfer this action to District Court, the Court hereby Orders that this matter is transferred to the Montana Fourth Judicial District Court, Cause No. _____ and that the Order of Protection presently in effect shall remain in effect until the District Court conducts a hearing. The Order of Protection presently in effect is attached.

The Court further ORDERS that the hearing set for _____, 20__ in Justice Court, is hereby VACATED.

Notice is given to Respondent that the TEMPORARY ORDER OF PROTECTION SHALL REMAIN IN EFFECT until further Order of the District Court.

SO ORDERED this _____ day of _____, 20_____.

Justice of the Peace

cc: Petitioner
Respondent

Name
Address
City State Zip Code
Phone Number
Email Address
PETITIONER PRO SE

IN THE MUNICIPAL COURT, COUNTY OF MISSOULA,
STATE OF MONTANA

<p>_____, Petitioner, vs _____, Respondent.</p>	<p>Cause No. _____</p> <p>REQUEST TO TRANSFER ORDER OF PROTECTION TO DISTRICT COURT</p>
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Petitioner, _____, appearing pro se, respectfully requests that the Municipal Court transfer this matter to the Montana Fourth Judicial District Court, and vacate the hearing which is presently set for _____, 20____ and that the Temporary Order of Protection presently in effect remain in effect until the District Court holds a hearing.

After this action was started, Respondent filed a Petition in a dissolution/parenting matter with the Fourth Judicial District Court in Cause No. _____, and both parties to this action are parties in that matter. Therefore, Petitioner’s request for an Order from Municipal Court transferring the matter to District Court, and continuing the Order of Protection until the court conducts a hearing is in accordance with M.C.A. § 40-15-301(3) (2003). Upon

transfer to the District Court, that Court would then have jurisdiction over this cause of action, including the Order of Protection.

DATED this _____ day of _____, 20__.

Petitioner *Pro Se*

CERTIFICATE OF MAILING

The undersigned hereby certifies that on _____, 20__, a copy of the foregoing Request to Transfer Order of Protection to District Court was sent to Respondent, postage pre-paid in the U.S. mail, addressed to Respondent as follows:

By: _____

Judge _____
Municipal Court of Missoula County
State of Montana

FORM #162

**IN THE MUNICIPAL COURT OF MISSOULA COUNTY,
STATE OF MONTANA**

<p>_____, Petitioner, vs _____, Respondent.</p>	<p>Cause No. _____</p> <p>ORDER</p>
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Having reviewed Petitioner's request to remove this action to District Court, the Court hereby Orders that this matter is removed to the Montana Fourth Judicial District Court, Cause No. _____ and that the Order of Protection presently in effect shall remain in effect until the District Court conducts a hearing. The Order of Protection presently in effect is attached.

The Court further ORDERS that the hearing set for _____, 20__ in Municipal Court, is hereby VACATED.

Notice is given to Respondent that the TEMPORARY ORDER OF PROTECTION SHALL REMAIN IN EFFECT until further Order of the District Court.

SO ORDERED this _____ day of _____, 20_____.

Judge

cc: Petitioner
Respondent